

City of Marina

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March 30, 2007

JS 4/3/07

THE HONORABLE RUSSELL D. SCOTT
JUDGE, SUPERIOR COURT
GRAND JURY OF MONTEREY COUNTY
PO BOX 414
SALINAS CA 93902

RE: 2006 Grand Jury Report – Responses
(1) City of Marina Reorganization
(2) Elected Office Holders Residency Requirements
(3) Use of Tasers by Law Enforcement Agencies

Dear Judge Scott:

Enclosed is a certified copy of the Resolution (No. 2007-59) accepting responses to the 2006 final report of the Monterey County Grand Jury for the City of Marina regarding the three above matters.

If you have or the Grand Jury members have any questions, please do not hesitate to contact me directly at 831-884-1278, extension 211.

Sincerely,

Joy P. Junsay
City Clerk

Enclosure: Resolution No. 2007-59

RESOLUTION NO. 2007-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
ACCEPTING RESPONSES TO 2006 FINAL REPORT – MONTEREY
COUNTY GRAND JURY FOR THE CITY OF MARINA AND DIRECTING
THAT THE RESPONSES BE FORWARDED TO THE PRESIDING JUDGE OF
THE SUPERIOR COURT

WHEREAS, the City received a copy of the 2006 Final Report – Monterey County Grand Jury,
and;

WHEREAS, the Final Report contained three (3) items requiring attention by the City of Marina
consisting of review and written response relative: (1) City of Marina Reorganization, (2)
Elected Office Holders Residency Requirements, (3) Use of Tasers by Law Enforcement
Agencies;

WHEREAS, Pursuant to California Penal Code Section 933(c), the City of Marina is required to
prepare written responses to these three (3) findings and submit these written responses to the
Presiding Judge of the Superior Court the Honorable Russell D. Scott no later than April 2.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina hereby:

1. Accept response to the 2006 Final Report – Monterey County Grand Jury for the City of
Marina (“EXHIBIT A”), and;
2. Direct that the responses be forwarded to the Presiding Judge of the Superior Court the
Honorable Russell D. Scott no later than April 2, 2007

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly
held on March 20, 2006 by the following vote:

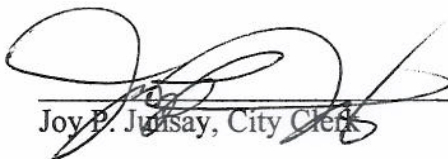
AYES, COUNCIL MEMBERS: Gray, McCall, Morrison, Wilmot and Mettee-McCutcheon

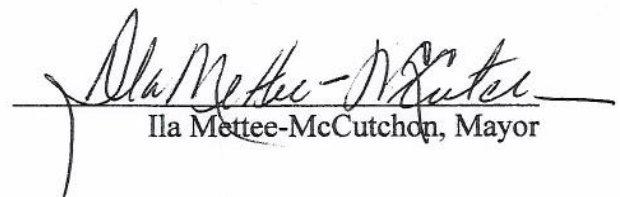
NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

ATTEST:


Joy P. Jursay, City Clerk


Ila Mettee-McCutcheon, Mayor

City of Marina
Response to Recommendations:
2006 Grand Jury Report on Elected Officeholders Residency Requirements

Section 6 – City of Marina Reorganization

Grand Jury Findings:

1. F 6.1 – As of August 14, 2006 four of five newly created management positions for the City of Marina were still operating with interim employees.

Response:

The City disagrees partially with the finding. While it is correct that as of August 14, 2006, only one of the newly created positions was filled with a permanent employee, the Grand Jury also found that the overall cost of using interim employees is less than the cost of hiring fulltime employees adding that it felt that full-time permanent employees add greater stability to city operations.

The City of Marina is currently in the process of experiencing tremendous growth particularly in the redevelopment of its properties located within the former Fort Ord. As a result of the increased demands for personnel support, specifically around its major development projects, the use of interim employees provides a high degree of flexibility to increase and/or decrease the City's workforce at and during those specific times when such workload demands are in effect.

2. F 6.2 – The reduction in the hours that City Hall is open to the public has given the City employees more time to process documents, resulting in greater efficiency and a reduction of backlog.

Response:

The City agrees with this finding. The closure of City Hall to the public on Wednesdays has allowed City staff to focus on addressing workload issues that have continued to increase as the City has proceeded with its ongoing major redevelopment projects. The City has also enjoyed the additional benefit from Wednesday City Hall closure of providing for ongoing training of City staff which otherwise might be precluded and/or hindered due to staffing requirements related to serving the public.

3. F 6.3- The City of Marina was not without police protection at any time during its reorganization although the dual fire and police role does at times require police officers to perform fire duties, leaving fewer police officers available for police duties.

Response:

The City agrees with this finding. However, since the hiring of new full-time dedicated fire personnel, the Fire Division handles calls for fire service more effectively thus reducing the need for police officers to have to perform dual roles.

4. F 6.4 – The Fort Ord Military Fire Department, which contracts for fire protection with California State University – Monterey Bay, lessens the need for a joint fire station in the Fort Ord reuse area. However, it is possible that the Fort Ord Military Fire Department will close sometime in the future.

Response:

The City partially disagrees with the finding. The Fort Ord Military Fire Department has a specific and distinct mission with respect to serving military and Department of Defense facilities and personnel. While it is possible that the Military Fire Department may close sometime in the future, its current mission does not indicate that such is a possibility at anytime in the near future.

The City maintains and enjoys a professional and collaborative relationship between its Department of Public Safety – Fire Division and the Fort Ord Military Fire Department. It anticipates entering into a reciprocal Automatic Aid agreement with the Fort Ord Military Fire Department to create further opportunities to increase and improve services to the citizens within their respective jurisdictions.

Notwithstanding the above, the City of Marina has determined that, based upon its future growth needs, especially as it pertains to the delivery of fire services, that an additional headquarters station must be located and constructed upon its properties and within its jurisdiction on the former Fort Ord.

5. F 6.5 - The separation of the Police and Fire Divisions will result in increased efficiency and protection.

Response:

The City agrees with this finding. The Department of Public Safety concept has served the community well in the past. However, current and future staffing and training demands, clearly demonstrate that it is time to go to separate Police and Fire Departments.

To this end, the City has developed a plan that it is currently in the process of implementing to separate the fire service and police service delivery functions into separately funded and discrete public service operations.

The City Council has dedicated funding in the FY 2006-07 budget to hire additional full-time dedicated fire personnel and has acted to reorganize the current Fire Division staffing to reflect a dedicated professional fire staffing configuration.

On December 19, 2006, the City hired a new permanent full-time Chief of Police, Mr. Edmundo Rodriguez, who is also addressing staffing and organizational needs of the City's Police Division to facilitate the separation of its police services from fire service responsibilities.

Grand Jury Recommendations:

1. R 6.1 – The City of Marina should fill all positions created as a result of the reorganization as quickly as possible as qualified applicants can be located.

The Marina City Council has authorized and funded 35 new full-time positions in both the FY 2005-06 and FY 2006-07 budgets. The City has retained a full-time Interim Director of Human Resources to address and facilitate the recruitment and hiring to fill these vacant full-time positions.

With respect to the vacant management positions, the City has hired a permanent full-time Community Development Director and a permanent full-time Planning Services Manager. The City continues to aggressively recruit to fill the remaining full-time vacant manager positions as quickly as possible as qualified applicants can be located.

2. R 6.2 – The City Council should clarify its minimum shift staffing policy for the Police and Fire Divisions in a written policy statement.

Response:

The recommendation has been implemented. The City Manager previously issued a directive defining minimum staffing levels in the Police Division. This directive does create a cost impact on the Police Division budget because of staffing shortages. The Chief of Police has also recently ordered mandatory overtime to meet the minimum staffing needs.

The Fire Division, with the full concurrence of the City Council and City Manager, currently maintains a minimum staffing level for its engine company consistent with its staffing goals as set forth in the Fire Division Standards of Cover Analysis.

3. R 6.3 – The City of Marina should follow through with the separation of the Police and Fire Divisions as soon as possible.

Response:

The recommendation requires further analysis. This separation began in early 2006 when Interim Police Chief Steve Belcher was hired to begin the process. The Department of Public Safety Director position was eliminated as part of the City reorganization.

In December 2006, Chief Edmundo Rodriguez was hired as the permanent full-time Chief of Police while the Fire Chief had been appointed previously. On January 28, 2007, the City Council conceptually approved the Police Chief's proposed reorganization plan for the Police Division that reflects a traditional police department organizational structure. All newly hired Police and Fire Division sworn staff are now classified as Police Officers or Firefighters and are not required to be cross trained for the other position.

The City Council has yet to officially dissolve the Department of Public Safety. Currently, the City Manager is developing a proposal for City Council consideration to take an official action to dissolve the Department of Public Safety and to create the Marina Fire Department and Marina Police Department as a part of the FY 2007-08 budget process.

4. R 6.4 – The City of Marina should aggressively recruit applicants to fill existing and new vacancies in both the Police and Fire Divisions.

Response:

The recommendation has been implemented. The City has retained a full-time Interim Director of Human Resources to facilitate the recruitment and hiring of vacant and newly created full-time sworn positions within both the Police and Fire Divisions.

The Chief of Police reassigned a detective to a temporary recruitment and hiring assignment. A training coordinator was hired who has extensive experience with recruitment and will assist the officer. The hiring process has been streamlined to reduce the time it takes to hire officers and to be more competitive attracting the most qualified candidates.

Two new Police Officers have been hired since December 2006. Testing is ongoing to fill the remaining vacancies within the Police Division. To further assist in enticing eligible and qualified applicants to apply for full-time sworn positions within the Police Division, the Marina City Council recently approved a four-year agreement with the Department of Public Safety Public Safety Officers Association that provides for a twenty five percent (25%) pay increase over the term of the contract with the guarantee of not less than two percent (2%) or more than six percent (6%) pay adjustment annually.

The Marina City Council recently approved reclassifications of three (3) Firefighter positions to Fire Engineer to further professionalize the Fire Division by reflecting a more traditional fire department organization. Recruitment and hiring is ongoing. To further assist with enticing eligible and qualified applicants to apply for full-time sworn positions within the Fire Division, the City Council recently approved a four-year agreement with the Marina Employees Association that provides for an eighteen percent (18%) pay increase over the term of the contract with the guarantee of not less than two percent (2%) or more than six percent (6%) cost-of-living pay adjustment annually.

5. R 6.5 – The City of Marina must work actively toward finding funding to operate a joint fire protection facility with the City of Seaside.

Response:

The recommendation will not be implemented because it is not warranted or is not reasonable. The City recently completed a more than three-year process of analysis and evaluation of the feasibility of merging its fire protection services with the City of Seaside. After consideration, the City Council took action to not proceed further with consideration of merging its fire protection services with the City of Seaside at this time.

The City Council is aware of possible future opportunities to share either facilities and/or services with the City of Seaside Fire Department and remains open to examine these opportunities as they may arise.

Section 7 – Elected Officeholders Residency Requirements

Grand Jury Findings:

1. Review of “Monterey County Petition In Lieu of Filing Fee” and “State of California, County of Monterey Voter Registration” forms showed that two members of the Board of Supervisors, one Mayor, and two City Council members listed a business address as their residence.

Response:

The City disagrees as it applies to the City of Marina. The City of Marina is a Charter City. However, the City’s Municipal Elections are conducted under the laws of the State of California.

Pursuant to Elections Code 201, City of Marina candidates for the office of Mayor and/or City Council member are required to be registered voter of the City of Marina; and shall be a resident voter of the City of Marina at the time that nomination papers are issued. In addition, Government Code 34882 provides that a person is not eligible to hold office as a member of the City Council unless he or she resides in the City and is a registered voter of the City at the time nomination papers are issued.

Grand Jury Recommendations:

1. The Grand Jury recommends the City Attorney of each city in conjunction with the Monterey County District Attorney should review and determine the residency of its Mayor and City Council members. If any Mayor or City Council member is found not to meet the residency requirements for elected public office as required by the city's charter or general law, the Mayor or Council member should be required to vacate his or her office.

Response:

The City has reviewed the nomination papers of the current elected officials of the City of Marina and determined that all listed their physical place of residence. The Mayor and City Council members were in compliance with Elections Code 201 and Government Code 34882.

Section 8 – Use of Tasers by Law Enforcement Agencies

Grand Jury Recommendations:

1. R 12. 3- All Taser-using agencies should evaluate the use of the "Taser-cam."

Response:

The City has implemented this recommendation. The City Council has authorized the Chief of Police to purchase thirty-six (36) new Tasers and Tasercam cameras. Those devices have been ordered. All sworn Police Division personnel will be individually issued and equipped with a Taser and Tasercam.